UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

SPECIAL POLITICAL AND DECOLONIZATION COMMITTEE (FOURTH COMMITTEE)
3rd meeting
held on
Tuesday, 11 October 1994
at 10 a.m.
New York

SUMMARY RECORD OF THE 3rd MEETING

Chairman: Mr. GUDYMA (Ukraine)

CONTENTS

ELECTION OF OFFICERS (continued)

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items)* (continued)

AGENDA ITEM 81: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e of THE CHARTER OF THE UNITED NATIONS* (continued)

AGENDA ITEM 82: ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION* (continued)

AGENDA ITEM 83: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS* (continued)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL*

AGENDA ITEM 84: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES*

---

* Items which the Committee has decided to consider together.

/...

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.4/49/SR.3
28 October 1994
ENGLISH
ORIGINAL: RUSSIAN

94-81532 (E)

/...

CONTENTS (continued)

REQUESTS FOR HEARINGS

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued)

Hearing of representatives of Non-Self-Governing Territories and petitioners

ORGANIZATION OF WORK

The meeting was called to order at 10.30 a.m.

ELECTION OF OFFICERS (continued)

1. Mr. SENGWE (Zimbabwe) nominated Mr. Moreno (Cuba) for the office of Vice-Chairman.

2. Mr. CHIRILA (Romania) nominated Mr. Samana (Papua New Guinea) for the office of Vice-Chairman.

3. Mr. Moreno (Cuba) and Mr. Samana (Papua New Guinea) were elected Vice-Chairmen by acclamation.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued) (A/49/23 (part II, part V, chap. VIII, part VI, chap. IX and part VII, chap. X), A/AC.109/1179-1183, 1185-1186, 1188-1190, 1192-1195, 1197, A/49/287, 381 and 492)

AGENDA ITEM 81: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (continued) (A/49/23 (part IV, chap. VII), A/49/384 and Add.1)

AGENDA ITEM 82: ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION (continued) (A/49/23 (part III, chap. VII), A/AC.109/1191)

AGENDA ITEM 83: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS (continued) (A/49/23 (part IV, chap. VI), A/AC.109/L.1824, E/1994/114, A/49/216 and Add.1)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (A/49/3 (chaps. V (sect. C) and IX))

AGENDA ITEM 84: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES (A/49/413)

REQUESTS FOR HEARINGS (A/C.4/49/3; A/C.4/49/4 and Add.1-6; A/C.4/49/5 and Add.1; A/C.4/49/6 and Add.1-9)

4. The CHAIRMAN informed the Committee that he had received a number of communications containing requests for hearings on agenda item 18, relating to Gibraltar (A/C.4/49/3), Guam (A/C.4/49/4 and Add.1-6), New Caledonia (A/C.4/49/5 and Add.1) and Western Sahara (A/C.4/49/6 and Add.1-9).

5. Mr. ELHASSANE (Morocco) requested that the Committee should postpone consideration of the communications relating to Western Sahara since they had been submitted late.

6. The CHAIRMAN proposed that the requests for hearings should be granted, but that the consideration of the communications relating to Western Sahara should take place at the next meeting.

7. It was so decided.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued) (A/49/23 (parts V-VII)); A/AC.109/1179-1183, 1185-1186, 1188-1190, 1192-1195, 1197, A/49/287, 381, 492)

Hearing of representatives of Non-Self-Governing Territories and petitioners

Question of Gibraltar (A/AC.109/1195)

8. At the invitation of the Chairman, Mr. Pinn (Chairman, Spanish Friends of Gibraltar Association) took a place at the petitioners' table.

9. Mr. PINN (Chairman, Spanish Friends of Gibraltar Association) said that in Spain calls were currently being increasingly heard to resolve the dispute surrounding Gibraltar. Such a resolution could take place only if the inalienable right of the people of Gibraltar to self-determination was recognized. The Spanish Government's persistent assertion of its rights over Gibraltar did not reflect the interests of the Spanish people. During the Franco dictatorship the existence of a British colony in a territory which the nationalists considered Spanish promoted national unity against a perceived opponent and foreign usurper and thereby helped to inculcate the totalitarian ideology of the Spanish Falange and the dictator Franco. Even in modern, democratic Spain, however, obstacles were placed in the way of air and sea communications with Gibraltar. It was not difficult to understand the reasons for such a situation: several generations of Spanish politicians had been brought up on Franco propaganda with regard to Gibraltar and in most cases they had no access to first-hand information.

10. An acknowledgement of the rights of the Gibraltarians did not need to arouse a defeatist attitude in Spain; that country had to understand that Gibraltar had not been a part of Spain for three centuries and its decolonization could not be achieved by joining it to the neighbouring State, since the only result would be that it would change its foreign master.

11. Fortunately, the information circulated by his Association was getting through to various strata of Spanish society. Articles appeared in the press more and more frequently on the subject of Gibraltar, extending beyond the complexes and stereotypes of the past. In 1992, the Institute for International Affairs and Foreign Policy had published the results of a public opinion poll on

basic aspects of Spain's foreign policy. According to the poll, 24.7 per cent of the Spanish population - 10 million Spaniards - considered that the Gibraltar question should be decided by the Gibraltarians themselves. That clear acknowledgement of Gibraltar's right to self-determination should not go unnoticed by the Committee.

12. A growing number of people considered it unfair that the future of the people of Gibraltar should be decided not by Gibraltarians themselves but by foreign powers. Such people believed it essential that talks on Gibraltar should include the main protagonists - the delegation from the Government democratically elected by the Gibraltarians themselves. In view of the above, he called on the Spanish Government, the United Kingdom and the international community to recognize the right of Gibraltar to self-determination.

13. Mr. Pinn withdrew.

14. At the invitation of the Chairman, Mr. Bossano (Chief Minister of Gibraltar) took a place at the table.

15. Mr. BOSSANO (Chief Minister of Gibraltar) said that it was very important to discuss the question of Gibraltar in the Fourth Committee. He could not accept that because his country was small and had little influence over other countries it should not receive the attention it deserved as a Non-Self-Governing Territory.

16. In relation to the presentation in 1993 of a draft consensus resolution put together by the United Kingdom and Spain, he drew the Committee's attention to two phrases contained in the resolution. First, there was a call for a definitive solution to the problem of Gibraltar in the spirit of the Charter of the United Nations, as there had been in every previous consensus resolution since 1973. The Committee should be under no illusions. The negotiating process referred to in the resolution was an outright denial of the spirit of the Charter of the United Nations, since according to Spain it denied the right of self-determination to the Gibraltarian people. Secondly, the draft resolution stated that the Foreign Ministers of Spain and the United Kingdom held annual meetings alternately in each capital, the most recent of which had taken place in Madrid on 1 March 1993. It was worth noting that since then there had been no meetings. The Spanish Foreign Minister had stated publicly that any further meeting would take place only if it entailed a concrete step in the negotiating process. It seemed that Spain was looking for a concrete step in satisfaction of its demand that the United Kingdom should hand over Gibraltar to it.

17. In the course of the negotiations in February 1985, Spain had submitted formal proposals concerning Gibraltar's future status, which was to have been determined without the participation of the Gibraltarians themselves. Under those proposals, during an initial stage the United Kingdom would share control over Gibraltar with Spain for a period of years agreed between them. Gibraltar would thus effectively become a colony of the two Powers. At the end of that period Gibraltar would be transferred to Spain and would become exclusively a

colony of Spain. In March 1993, at the insistence of the Gibraltarian Government, the United Kingdom had finally formally rejected the 1985 proposals.

18. With regard to the aforementioned consensus resolution, it was the opinion of Spain that the decolonization of Gibraltar was a question, not of self-determination, but of the restoration of the territorial integrity of Spain. Spain maintained that that was the purpose of the negotiating process, and that that objective was shared by the United Kingdom. In his address to the General Assembly on 30 September 1994, the Minister for Foreign Affairs of Spain, speaking on the question of the decolonization of Gibraltar, had repeated that doctrine of his country, which, he claimed, had the support of the General Assembly.

19. Mr. Bossano noted that in his submission to the Fourth Committee and the Special Committee on Decolonization the view had been expressed that it was not possible to decolonize Gibraltar unless its decolonization reflected the democratically expressed wishes of the inhabitants of the colony. That was the only doctrine of the General Assembly, the Fourth Committee and the Special Committee on decolonization.

20. Furthermore, in a recent interview on Gibraltar television the spokesman on foreign affairs of the main Spanish opposition party had reaffirmed the official Spanish view on the question of Gibraltar. Thus, Spain's position on the question had effectively not changed since 1964. In April 1994 the Spanish Parliament had adopted a resolution urging the Government to take all necessary measures to restore Spanish sovereignty over Gibraltar and eliminate the British colonial presence.

21. As for the United Kingdom, in 1964 it had defended the right of self-determination of the people of Gibraltar, taking measures to transfer political power from the colonial administration to a Government elected by the people. A 1993 resolution on Gibraltar had reaffirmed the commitment of the United Kingdom Government to honour the wishes of the people of Gibraltar as set forth in the Preamble to the 1969 Constitution. That meant that Gibraltar would not pass from being a British colony to being a Spanish colony, as Spain demanded, against the freely and democratically expressed wishes of its people.

22. Thirty years previously, after a general election held in Gibraltar, the newly elected Legislative Assembly had addressed a statement to the Special Committee affirming that the soil of Gibraltar should belong to no one but the people of Gibraltar, and that the people of Gibraltar did not desire to be united with Spain. That had continued to be the view of the Gibraltarian people to the present day. The people of Gibraltar had not been discouraged by the lack of progress over the past 30 years, since all its aspirations were reflected in the resolutions of the General Assembly on questions of decolonization.

23. Since the 1960s Spain had argued that the Treaty of Utrecht, signed in 1713, overrode the principle of self-determination, while the Constitution of Gibraltar in turn conflicted with the Treaty of Utrecht. It must be borne in

mind, however, that that Treaty had been signed in a different age when no fundamental rights had been recognized, and that since that time the geopolitical situation in Spain, the United Kingdom and Europe as a whole had changed substantially. Thus, that argument was absolutely unfounded. He condemned the Government of Spain for its refusal to respect the right of the Gibraltarian people to self-determination, an obligation incumbent upon States Members of the United Nations. However, the official line taken by the Governments of Spain and the United Kingdom was not necessarily endorsed by all the people of those two countries. Eloquent testimony to that was provided by the celebrations on the occasion of Gibraltar's National Day, in which representatives of parties and parliaments of various countries, including leaders of several political movements in Spain, had participated. Another reflection of changing approaches to the problem was the recent statement by the President of the Asociación Española de Amigos de Gibraltar (Spanish Friends of Gibraltar Association), who had succeeded in dispelling suspicion and distrust and in manifestly demonstrating to the Gibraltarian people that it could live in full peace and friendship with its neighbours.

24. Addressing the Special Committee on decolonization, the Secretary-General had stated that times had changed and that the inalienable right of colonized peoples freely to choose their destiny was now universally recognized. However, it would appear that those words did not apply to the Gibraltarians. It seemed to him that the resolution to be adopted by the Committee at the current session, like all the resolutions adopted in previous years, would once again contain a call for the holding of negotiations with the object of achieving a definitive solution to the problem of Gibraltar. Gibraltar did not wish to find itself, in the year 2000, the one remaining colonial territory preventing the fulfilment of the resolutions of the General Assembly calling for the total eradication of colonialism by the start of the twenty-first century. He called upon the Fourth Committee to support Gibraltar so as to ensure that that state of affairs did not arise.

25. Mr. Bossano (Chief Minister of Gibraltar) withdrew.

Question of Guam (A/AC.109/1192)

26. At the invitation of the Chairman, Mr. Ada (Governor of Guam) took a place at the table.

27. Mr. ADA (Governor of Guam) said that Guam was now the last Non-Self-Governing Territory in the North Pacific. In the past few years other territories, including territories under the same administering Power, had achieved self-determination. Yet for Guam the road to self-determination still seemed fraught with dangerous curves and obstacles.

28. In 1987 the people of Guam had democratically endorsed a proposal concerning a Guam Commonwealth Act, which would establish an interim relationship with the administering Power while also serving as a basis for the decolonization of Guam. Many of the issues needing to be addressed in the context of that relationship - recognition of the right of the indigenous

Chamorro people to self-determination, controls on immigration, return of land and resources, the economic well-being of Guam and the representation of its interests in regional and international organizations - ought to have been implemented by the administering Power in accordance with its obligations. To that end, it had been proposed that, in the framework of a Commonwealth, those issues should be decided not on the basis of unilateral action by the administering Power, but through provision for mutual consent. Unfortunately, the administering Power had yet to endorse the democratically approved plan for the decolonization of Guam and had not embarked upon serious consideration of the many long-standing problems in its reciprocal relations with Guam.

29. In 1988 a process of discussions with the administering Power on that proposal had begun. Between 1988 and 1992 the administering Power had criticized that proposal and had deemed it unworkable, since it did not fit within the framework of Guam's existing colonial status. It had been asserted that the proposal was "unconstitutional", and that it was inconsistent with the "territorial policy" of the administering Power. What little progress had been made between 1988 and 1992 had been scuttled in January 1993, when the outgoing administration had reneged on agreements already reached. Attempts to bring the administering Power to fulfil its obligations had been met with indifference.

30. In early 1993, Guam had called on the administering Power to appoint a Special Representative and the appointment had finally been made towards the end of 1993. Since then, although it had been announced that the commonwealth relationship was open to discussion with the administering Power, no final agreement had been reached. The inactivity of the administering Power in response to the requests for change directly affected the people of Guam since colonialism did not simply exist but was a destructive force. The policies of the administering Power were leading, for example, to the active destruction of the demographic role of the indigenous Chamorro people in their homeland. In 1990, over 50 per cent of the population of Guam had been born outside the Territory. Those policies were likely to bring about a situation in which people who had been allowed into Guam by the administering Power would soon control the island's destiny. That would be a direct violation of every moral obligation towards Non-Self-Governing Territories. Since 1980 the General Assembly had called on administering Powers to prevent the systematic influx of outside immigrants and settlers into Territories, which disrupted their demographic composition of those Territories and might constitute a major obstacle to the genuine exercise of self-determination by the people of those Territories.

31. The administering Power's policies on land were also impeding the further economic development of Guam. Over one third of the territory of the island was currently held by the administering Power. Its land holdings included over 70 per cent of the land adjacent to the deep-water harbour, the best beaches and the most favourably situated properties. That was a further obstacle to the economic, social and cultural development of the island. Those land policies were, moreover, a direct violation of the standards of international law.

32. The administering Power was actively preventing Guam from being represented in regional and international organizations. In recent years it had actively endeavoured to remove Guam even from such regional organizations as the South Pacific Regional Environment Programme (SPREP) in which Guam had been denied full membership after 14 ballots and nine hours of debate, the only objection to Guam's membership coming from the representative of the administering Power, supposedly on the basis of its policies and on "constitutional" grounds. That despite the fact that the United Nations had consistently called for the participation of Non-Self-Governing Territories in the activities of regional and international organizations. The position of the administering Power with regard to SPREP was a clear violation of the United Nations Convention on the Law of the Sea, which established that the interests of the peoples of Non-Self-Governing Territories over their exclusive economic zone was paramount. The actions of the administering Power in such areas as transport, trade and taxation had also been damaging to the people of Guam, despite the fact that it was one of the obligations of States under the United Nations Charter to promote the economic well-being of the people of Non-Self-Governing Territories.

33. The administering Power consistently forgot that its own legal standards did not make Guam a part of the United States but its possession. It believed that Guam was good enough to be used as a major base for storing munitions and stationing troops in the western Pacific. The island was, however, forgotten when it was a question of the people's rights and of their interests in development, self-government and decolonization.

34. Guam had been under colonial rule since the seventeenth century. During almost four centuries of colonial oppression by various rulers, the Chamorro people had not become reconciled to colonial rule, as their language, history and culture showed. The process of decolonization required an act of self-determination by the colonial people. For that reason, Guam's decolonization required the administering Power to recognize an act of self-determination by the indigenous people. That was consistent with all international standards, which consistently linked self-determination in colonial countries to the concept of "colonial peoples".

35. With regard to the resolution to be adopted in 1994, he said that Guam supported the draft text under consideration, which was objective and took account of the proposal of the people of Guam for changes in the relationship with the administering Power. The draft resolution reflected the nature of the ongoing discussions with the administering Power and would encourage the expeditious completion of talks. It took account of various issues such as immigration, sovereignty over resources, including land, the cultural rights of the indigenous people, economic progress and self-determination. He therefore urged the Fourth Committee to adopt the Special Committee's recommendation.

36. Mr. Ada withdrew.

37. At the invitation of the Chairman, Mr. Underwood (Representative of Guam in the United States Congress) took a place at the table.

38. Mr. UNDERWOOD (Representative of Guam in the United States Congress) said that, as a result of the positive changes that had taken place in international relations, it had become possible to concentrate on the problems of the Non-Self-Governing Territories, which rarely gained the attention they deserved.

39. The resolution on Guam was essentially accurate and he supported the recommendations of the Special Committee. He was particularly pleased that the wording of the resolution reflected the important changes that had occurred in the past 20 months. The representative of the Clinton Administration was holding discussions with the Guam Commission on Self-Determination in order to resolve outstanding problems. The support of the executive branch was critical in overcoming possible obstacles in Congress to the adoption of the Commonwealth Act.

40. Although the United Nations was an important forum for the discussion of issues relating to status, no organizational activity could take the place of action by the United States Congress. The role of the United Nations in that process could, however, be positive and helpful. It was important that the resolution should reflect the support of the Fourth Committee for Guam's position in relation to the self-determination of the Chamorro people, which was an important factor in attaining the objectives of a new Commonwealth. The adoption of the resolution would show the administering Power that the position of the Government of Guam on that matter was widely recognized and supported by the international community.

41. The Committee was right to note that recent immigration trends further emphasized the importance of the issue of Chamorro self-determination. With respect to the position of the United States Administration on the issue of land, he said that significant progress had recently been achieved in return of federal lands to the people of Guam. On 21 September 1994, both Houses of the United States Congress had adopted legislation whereby 3,200 acres of such land would be returned. During the second session of the Guam Land Conference, it had been announced that the United States Administration had identified a further 6,000 acres for return.

42. In conclusion, he said that it would be useful for representatives of the United Nations to visit Guam, since the only previous mission to that Territory had taken place in 1979. The representatives of the United Nations should meet with the people of Guam and the leadership at all levels. That would convince the United Nations that there was a strong consensus on the need for political changes in the status of the Territory.

43. Mr. Underwood withdrew.

44. At the invitation of the Chairman, Mr. San Agustin (Speaker of the Guam Legislature) took a place at the table.

45. Mr. SAN AGUSTIN (Speaker of the Guam Legislature), speaking on behalf of the Guam Legislature and the people of Guam, noted that each of the island entities within the former Trust Territory of Micronesia, except for Guam, had

exercised their rights of self-determination, resolved the question of their political status and entered into agreements with the United States Government. The continuation of Guam's colonial status and the denial of its right to self-determination had adversely impacted on its people not only in a spiritual but also in a material sense, which was particularly evident in the economic sphere. Guam's location at the heart of the Asia-Pacific region meant that it had benefited from the growth of that region's economy. In fact, the pattern of economic growth in Guam depended more on the economy of the Asia-Pacific region than on that of the United States.

46. The United States Government, on the grounds that Washington served as Guam's representative, had prevented Guam from participating in many international organizations important to its economic interests, such as Asia-Pacific Economic Cooperation. That forum had even witnessed the participation of Taiwan, whose legitimacy as an independent State Member of the United Nations was not officially recognized, and also of the non-self-governing entity of Hong Kong. The United States was continuing to adhere to that obstructionist position, in the case not only of the above-mentioned forum but also of other international organizations. Such an approach was dubious in the extreme in as much as the United States Government was run by a President not elected by the people of Guam and a Congress in which the people of Guam had no vote. Furthermore, the United States Government exercised direct control over vital components of Guam's economy such as air and sea transport links.

47. There was possibly no greater symbol of the injustice of Guam's circumstances than the issue of land, one third - and moreover the best part - of which was directly owned by the United States Government. The members of the current Guam delegation, which represented both the executive and legislative branches of the Territory's government, both major political parties and the indigenous and non-indigenous population of the island, were united in their position, which was based on the draft Commonwealth Act endorsed by the people of Guam. The Guam delegation reiterated its support for the statements made by the previous Guam delegation, because the people of Guam had chosen a course for the future that required a profound change in the political status of Guam and the exercise of its right of self-determination.

48. Mr. San Agustin withdrew.

49. At the invitation of the Chairman, Mr. Parkinson (Senator, Guam Legislature) took a place at the table.

50. Mr. PARKINSON (Senator, Guam Legislature) said that he was grateful to the Special Committee on decolonization for the report that had been presented and stated his complete support for the Committee's position on the Guam question. On the issue of land, he noted that immediately after the end of the Second World War the United States, as the administering Power, had basically taken control of one third of the island's land for military purposes. That land had not been used for almost 50 years. With the de-escalation of the cold war, the administering Power had conceded that most of the land it held on Guam was surplus to its requirements. It had also noted that there was no further reason

in the foreseeable future why the military should control that land. However, whenever the opportunity had arisen to return this prime land to its rightful owners, the administering Power had come up with another impediment. The administering Power clearly did not want to relinquish control of the land, but rather wanted to keep the land vacant, thus avoiding the need to move large numbers of indigenous people if ever it needed to significantly increase its military presence there.

51. As the administering Power, the United States had to bear responsibility in accordance with the United Nations Charter, General Assembly resolutions 1514 (XV) and 1541 (XV) and the resolutions adopted annually by the Fourth Committee. All those resolutions envisaged the opportunity for the Chamorro people to exercise their right to determine the future status of Guam through a democratic vote. The administering Power had absolutely no grounds for depriving the Chamorro people of their inalienable right to self-determination. The Non-Self-Governing Territory of Guam was currently seeking a Commonwealth status with the administering Power, similar to the status obtained by the Northern Mariana Islands several years previously. Guam had submitted its draft Commonwealth Act to the administering Power in February 1988, but Congress had then taken six years to consider the document and no constructive negotiations had been held with the administering Power. Negotiating with the administering Power was not easy, since the United States constantly shifted its position. Furthermore, the United States representatives at the negotiations were constantly changing. The people of Guam were begging for a peaceful political solution.

52. The Guam Legislature had adopted a resolution calling on the United Nations to send a fact-finding mission to Guam and requested the administering Power to take all steps necessary to coordinate and implement such action.

53. In conclusion, and on behalf of the people of Guam, he petitioned the United Nations to assist Guam and the administering Power in peacefully resolving the questions relating to that Territory. He also strongly urged the Fourth Committee to carefully examine any attempt by the administering Power to remove Guam from the list of Non-Self-Governing Territories, noting that the proposed Commonwealth Act was not an act of self-determination, but rather an interim status until such time as the Chamorro people had the opportunity to exercise their right of self-determination in accordance with Article 73 of the Charter and the relevant United Nations resolutions.

54. Mr. Parkinson withdrew.

55. At the invitation of the Chairman, Ms. Manibusan (Senator, Guam Legislature) took a place at the table.

56. Ms. MANIBUSAN (Senator, Guam Legislature) said that Guam was one of the few remaining Territories under colonial control which were inscribed on the United Nations list dating from 1946, and Guam was, by any other name, a colony of the United States. Since 1898 the only proposal to alter Guam's colonial status had come from Guam. Until 1980, leaders in Guam had attempted to better Guam's

status within the framework of the existing political relationship. By 1987 the people of Guam had ratified a proposed Commonwealth Act which provided for a process that would recognize the right of the Chamorro to decolonize their homeland. In the interim, as a transition, it had been proposed that Guam would have a Commonwealth relationship with the administering Power, as a result of which a number of existing standards would be changed and the application of legal standards by the administering Power would be subject to Guam's consent.

57. However, the response of the administering Power to that proposal had been unacceptable. In late 1993, the appointment of a Special Representative on the political status of Guam had aroused high hopes. However, no concrete commitments had been given. While the Clinton Administration had shown a greater awareness of the United States obligation to decolonize Guam, it would be unwise to rush to conclusions before the administering Power had made its real intentions clear.

58. While the administering Power continued to examine Guam's proposal, it had offered nothing substantive in return which could satisfy the people of Guam. In fact, the administering Power was continuing to carry out an immigration programme which was reducing the Chamorro people to the status of a minority in their homeland. That was in direct contravention of the Plan of Action for the Full Implementation of the Declaration on Decolonization annexed to General Assembly resolution 35/118.

59. There was little evidence of overt hostility to migrants in Guam. While some migrants chose to assimilate, most used the island as a stepping-stone to other destinations under the jurisdiction of the administering Power. In 1990, over half the residents of Guam had been born outside the Territory and, of that group, over 50 per cent had come to Guam since 1985. What was at issue was not opposition to immigration on the part of the people of Guam, but their ability to manage their resources in a manner consistent with their long-term requirements and their socio-cultural goals as a community.

60. The administering Power's immigration policy had forced the people of Guam to define clearly the meaning of self-determination. Obviously, the right to self-determination in a Non-Self-Governing Territory did not extend to all migrants and settlers. The Commonwealth Act provided for a process whereby the Constitution of Guam would establish a mechanism guaranteeing the right of the indigenous Chamorro people to self-determination. For that reason, it was important that the text of the resolution on Guam should include specific references to an act of self-determination by the indigenous people as the basis for the decolonization of Guam. Such an act was not an "internal matter", but a right of the colonized people of Guam, the Chamorro people.

61. Another unresolved issue, which stemmed from the unilateral actions of the administering Power, was the question of war reparations for the Chamorro people. In July 1994, Guam had commemorated the fiftieth anniversary of the tragic and heroic events connected with the island's occupation during the Second World War and its subsequent reoccupation by the United States. The issue of reparations remained unresolved because the administering Power had

released the Imperial Government of Japan from the obligation to pay reparations. In so doing, the administering Power had de facto assumed that obligation which, however, remained unfulfilled.

62. In the eyes of the administering Power, Guam was a possession whose past and future had validity only in terms of its own designs and internal legal mechanisms. Yet under the laws of the administering Power, the people of Guam were not permitted to participate in decisions affecting the nation as a whole or in decisions of the administering Power which affected Guam. The people of Guam were told that Guam was treated no differently from any State of the Union with regard to such issues as land return, immigration or ocean resources. However, that was of little benefit to them as long as their land remained beyond their control, the island's demographic structure was being changed and its living and non-living resources were being utilized by foreign interests and the internal interests of the administering Power.

63. Ms. Manibusan withdrew.

64. At the invitation of the Chairman, Mr. Reyes (Senator, Guam Legislature) took a place at the Committee table.

65. Mr. REYES (Senator, Guam Legislature) voiced support for the Declaration on the Granting of Independence to Colonial Countries and Peoples which referred, inter alia, to "the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples". The Chamorro people believed that their quest for political self-determination fell directly within the purview of the Special Committee simply because they were an indigenous people living in a Territory which was geographically separate and ethnically and culturally distinct from the country currently administering it. Moreover, the question of Guam fell within the Special Committee's competence by virtue of the definition contained in Article 73 e of the Charter of the United Nations and General Assembly resolution 66 (I). The island of Guam was a Non-Self-Governing Territory for which the United States had accepted as a sacred trust the obligation to promote to the utmost the well-being of its inhabitants. At a time when the world was rapidly approaching the celebration of half a century since the founding of the United Nations, it appeared that some administering Powers had violated that "sacred trust".

66. In the case of Guam, the first step towards the exercise of self-determination by the Chamorro people must be the return of massive portions of land held by the United States. Currently, the United States and its instrumentalities controlled over 44,000 acres of land, or nearly one third of Guam's total land mass. Of that figure, only 12,000 acres were physically occupied by the United States Government. It was believed that the United States Government, in particular the Department of Defense and the Department of the Interior, did not need any more land than that which they were currently actively utilizing, especially since the United States defence organizations were being scaled down massively, both nationally and abroad. Even when federal lands had been declared in excess of its needs, they had been returned to the

control of the Government of Guam, and not to their original owners; that signified a blatant attempt to aggravate an injustice committed over 50 years earlier.

67. In addition, the United States Department of the Interior and Department of Defense had agreed to establish a National Wildlife Refuge within the territory of Guam. It was to occupy some 22,000 acres, or one half of the land controlled by the federal Government. That collaborative project had three goals: first, to prolong control over the 32,000 acres of Guam lands which the Federal Government had left idle for over 50 years; second, to transfer control of a significant portion of ancestral lands to the Department of the Interior, which was known for its bureaucratic ability to keep lands under federal control; and third, control over the land meant control over the people, as there was no case for self-determination without full resolution of the land issue. Those planning the refuge were disregarding the wishes of the people and were continuing to forge ahead with their proposal, maintaining that the refuge issue was separate from the land reclamation issue. In that connection, he drew attention to resolution 93 of the Guam Legislature, which referred to the policy of the United States concerning the use of excess federal lands.

68. For the Chamorro people, as for indigenous peoples the world over, land meant life. The World Council of Indigenous Peoples, addressing the United Nations Working Group on Indigenous Populations in Geneva in 1985, had stated that the land issue was fundamental to the achievement of self-determination. In order to achieve self-sufficiency, which was inseparable from self-determination, indigenous peoples must have their traditional territories returned to them. That would lead to the revival of their social, cultural and economic systems and institutions of government. A number of statements made by representatives of indigenous peoples to that Working Group had made it clear that land, identity and culture were a single objective for indigenous peoples. The recently adopted International Labour Organization Convention 169 concerning indigenous and tribal peoples in independent countries, called upon Governments to attach special importance to the culture and spiritual values of indigenous peoples and their relationship with the land. It also called for recognition of the rights of ownership and possession by indigenous peoples of lands which they had traditionally occupied. Until such time as the right of the Chamorro people to their homelands was recognized by the United States Government and such lands were effectively returned to the possession and control of Guam, it could never be said that the Territory had achieved a full measure of self-government.

69. Mr. Reyes withdrew.

70. At the invitation of the Chairman, Ms. Cristobal (Organization of People for Indigenous Rights) took a place at the table.

71. Ms. CRISTOBAL (Organization of People for Indigenous Rights (OPI-R)) said that OPI-R was a community-based non-governmental organization whose goal was to ensure the exercise of the right of the Chamorro people to self-determination and decolonization. Since its establishment in 1981, OPI-R had engaged in mass education and awareness efforts. As a result, the issue of the self-

determination of the Chamorro people had become the cornerstone of Guam's political status drive.

72. Representatives of OPI-R had appeared before various United Nations committees on numerous occasions with regard to the situation in Guam. It was gratifying that the leaders of Guam's Government had continued in their support of Chamorro self-determination, despite considerable objections on the part of the administering Power. The position of OPI-R was that colonialism in all its forms and manifestations was an international crime and that it resulted in the denial of the right of the colonized people to decide freely on their future and determine freely how they wished to be governed, the confiscation and exploitation of natural resources, cultural disintegration and historical disconnection.

73. As noted in previous presentations to the United Nations, the proposed Guam Commonwealth Act, which was now before the United States Government for consideration, was not an act of self-determination. The draft Guam Commonwealth Act, if ratified, would alter the current relationship between the people of Guam and the administering Power and grant limited internal self-government. More importantly, the Guam Commonwealth Act also called for the decolonization of Guam through a recognition of the inalienable right of the Chamorro people to exercise self-determination in their homeland. It was only the Chamorro people who were colonized and only the Chamorro people who could engage in a legitimate process of decolonization.

74. The draft Guam Commonwealth Act did not fully meet the guidelines and principles of decolonization outlined in General Assembly resolutions 1514 (XV) and 1541 (XV) and in the Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Those guidelines and principles, in the case of Guam, could only be met through the exercise by the Chamorro people of the right to self-determination. The insistence of the administering Power that any changes in the colonial status must take place within the parameters of its national constitution and within the confines of its military and economic interests was unacceptable.

75. Another critical issue requiring consideration was the issue of the unilateral application of the administering Power's national immigration policy in Guam. United States immigration law as applied in Guam had resulted in the Chamorro people becoming a minority in their homeland. Whereas in 1940 Chamorros had comprised 90 per cent of the population of Guam, by 1990 over half of Guam's population had been born elsewhere. Those serious demographic changes were central to what had forced the Chamorro people to define the "self" in "self-determination".

76. A significant impediment to decolonization centred on the land tenure policies which the administering Power had applied in Guam. The administering Power had confiscated an inordinate amount of land, unilaterally imposing its land legislation. The land taken by the administering Power constituted one third of the entire land mass of the island. Initially, the administering Power had used the pretext of national defence and world peace to confiscate lands.

The pretext now was the designation of wildlife refuges and national parks and other types of land use.

77. OPI-R strongly supported the draft resolution before the Committee, including the recognition of the right of the indigenous Chamorro people to self-determination, the call for reform in the programmes for the transfer of property to the people of Guam, the recognition that immigration into Guam had resulted in the indigenous Chamorros becoming a minority and the call upon the administering Power to conduct expeditious negotiations with the territorial Government regarding the draft Guam Commonwealth Act on the future status of the Territory.

78. The Committee should recognize that the Guam Commonwealth Act represented an initial step towards true decolonization through Chamorro self-determination. Through such recognition, Guam would be retained on the list of Non-Self-Governing Territories and General Assembly resolutions 1514 (XV) and 1541 (XV) would continue to apply. The Committee should take account of the recommendations of the various regional seminars concerning the International Decade for the Eradication of Colonialism. Those recommendations included the enhanced participation of representatives from the Non-Self-Governing Territories in the decolonization process and a call for funding and more direct efforts in the dissemination of information to peoples in Non-Self-Governing Territories regarding their rights and legitimate options.

79. Ms. Cristobal withdrew.

80. At the invitation of the Chairman, Mr. Teehan (Guam Land Owners' Association) took a place at the petitioners' table.

81. Mr. TEEHAN (Guam Land Owner's Association) said that Guam's geographic location was advantageous to the Chamorro people since it provided economic opportunities for their participation in the modern world. The historic disadvantage was Guam's strategic geographic placement, which was of significant interest to the United States of America. The current situation must be seen not simply as an issue of land use, but as a question of the right to equity for the indigenous inhabitants of Guam, and also a matter of human rights abuse and denial of sovereignty. A permanent solution of the disputed matter of land and resource control could be achieved only through the exercise by the Chamorro people of their legitimate right to self-determination. It was not a question of the good or bad intentions of those who had allowed the situation to occur. Regardless of intentions, the effect remained the same - the political, economic and social displacement of an indigenous people.

82. Although citations of United States law could conveniently provide impediments to the return of lands to the Chamorro people and the exercise of their rights, they did not legitimize the denial of justice. The rights of indigenous peoples must be considered against the framework of democratic principles and international conventions on decolonization, as opposed to the framework of colonial structures. In 1946, the United States of America had placed the Non-Self-Governing Territory of Guam on the United Nations list of

non-self-governing territories. The Chamorro people had been promised protection in the interim period until they were able to take up their rightful place in the modern world. Instead, they had experienced exploitation and displacement in their homeland. Their lands had been seized without payment of compensation to owners, in blatant violation of Article 73 of the United Nations Charter.

83. The administering Power tried to argue that the question of land seizures could be resolved on the basis of decisions of the district court. It should be noted, however, that those decisions actually minimized United States liability and made it virtually impossible for the landowners of Guam to regain their land. Unfortunately, United States law gave preference not to the people of Guam, but to federal agencies. When the Chamorro people raised objections, federal officials cited United States laws as justification for the continuation of current policy.

84. In the opinion of the Guam Land Owner's Association, the first step must be to establish programmes which would allow the Government of Guam to pursue equitable solutions. Laws must be adopted which would recognize the rights and history of the Chamorro people and would be designed to counter the effects of their displacement. Those laws must not only be conducive to the development of the Chamorro people, but also contain protective measures to prevent unilateral policy changes by the United States of America. A significant step towards a solution was the proposed Guam Commonwealth Act. The ultimate protection, however, lay in the legitimate exercise of Chamorro self-determination and the subsequent structuring of a political status conducive to their cultural survival and entry into the modern world in their own right.

85. Mr. Teehan withdrew.

ORGANIZATION OF WORK

86. The CHAIRMAN informed the Committee that he had received two communications containing requests for hearings concerning item 18, relating to Guam; he suggested that they should be circulated as Committee documents (A/C.4/49/4/Add.7 and 8).

87. It was so decided.

The meeting rose at 1.15 p.m.